

Summary Environmental Rules Board  
Zoom Meeting  
Indianapolis, Indiana  
Wednesday, November 18, 2020

**A. Call to Order**

Chair Gard called the meeting to order at 1:34 p.m. A quorum was present.

Members present: Beverly Gard, William Etzler, Dr. Joanne Alexandrovich, Karen Valiquett, Calvin Davidson, Jordan Seger, Angelique Collier, Michael Schuler, Ken Rulon, Paul Gilson, Dr. Ted Niemiec, R. T. Green, Dan Bortner and Bruno Pigott.

**B. Approval of Meeting Summary of September 9, 2020**

Chair Gard called for approval of the September 9, 2020, meeting summary, which was approved.

**C. IDEM Reports**

Commissioner's Report

Mr. Bruno Pigott, Commissioner of IDEM, announced the retirement of several people within IDEM. He discussed the staff that are still working remotely and in the office. He said the agency is still issuing permits as in the past, but there is some slowdown in the number of applicant submissions.

Rules Update

Ms. Chris Pedersen, Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC), spoke on the rulemakings that could come before the next Environmental Rules Board meeting, possibly February 10, 2021, which will be held as a Zoom Meeting.

**D. Rules**

1. Marion County SO<sub>2</sub> Redesignation Emergency

Chair Gard opened the discussion for adoption of an emergency rule that revises 326 IAC 1-4-50. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke regarding the adoption of the emergency rule to redesignate Center, Perry, and Wayne townships in Marion County to attainment for the 2010 Sulfur Dioxide National Ambient Air Quality Standard. IDEM asked the board to approve the emergency rule as presented.

There were no questions or board discussion. There were no commenters and the hearing was concluded.

**Ms. Collier moved to adopt the emergency rule and Dr. Alexandrovich seconded. By a roll-call vote, the emergency rule was adopted.**

## 2. Marion County SO<sub>2</sub> and Muncie Lead Redesignation

Chair Gard opened the discussion for final adoption of amendments to rules at 326 IAC 1-4-19 and 326 IAC 1-4-50. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke for the agency and said the rule would amend two status tables in order to properly align with the current federal designation until the regular rulemaking is completed. IDEM asked the board to adopt rule as presented.

There were no questions or board discussion. There were no commenters.

**Dr. Alexandrovich moved to final adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was adopted.**

## 3. ArcelorMittal and NIPSCO SO<sub>2</sub> Revisions

Chair Gard opened the discussion for adoption of a rule that revises 326 IAC 7-4-14, 326 IAC 7-4.1-10, and 326 IAC 7-4.1-11 for ArcelorMittal and NIPSCO SO<sub>2</sub> Revisions. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency and said the rule was for emission units at three ArcelorMittal steel mills and removes alternative SO<sub>2</sub> limits and emission units that are permanently shut down. In addition to amending the SO<sub>2</sub> emission limits removing Boilers 7 and 8 for NIPSCO Bailly Station to have them permanently retired and removed from the facility. IDEM asked the board to final adoption of amendments to the rule as presented.

There were no questions or board discussion. There were no commenters.

**Mr. Davidson moved to final adopt the rule and Ms. Collier seconded. By a roll-call vote, the rule was adopted.**

## 4. Cold Cleaner Degreasing Alternative

Chair Gard opened the discussion for final adoption of amendments to rules at 326 IAC 8-3, Cold Cleaner Degreasing Alternative Rules. Ms. Keelyn Walsh, Rule Writer, RDS, OLC spoke for the agency and said the rule was to allow for the use of alternative control device for solvents with a higher vapor pressure. IDEM asked the board to adopt the rule for final adoption.

There were no questions or board discussion. There were no commenters.

**Mr. Green moved to final adopt the rule and Mr. Davidson seconded. By a roll-call vote, the rule was adopted.**

## 5. Pharmaceuticals and Other Hazardous Waste Updates

Chair Gard opened the discussion for preliminary adoption of amendments to 329 IAC 3.1, concerning Pharmaceuticals and Other Hazardous Waste Updates. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke for the agency and said the rule includes updates of recently promulgated federal hazardous waste rules and improvements and corrections to the rule language.

There were no questions or board discussion. There were no commenters.

**Mr. Bortner moved to final adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was final adopted.**

#### 6. Air Permit Fee Updates

Chair Gard opened the discussion for final adoption of amendments to 326 IAC 2-1.1-7, concerning Air Permit Fees. Mr. Seth Engdahl, Rule Writer, RDS, OLC, spoke regarding the rule that would amend 326 IAC 2-1.1-7 to reflect the fee amounts currently being collected by IDEM. The rule is in response to a statutory change in Public Law 19-250.

There were no questions or board discussion. There were no commenters.

**Mr. Green moved to final adopt the rule and Ms. Valiquett seconded. By a roll-call vote, the rule was final adopted.**

#### 7. Vertellus PM Revisions

Chair Gard opened the discussion for the preliminary adoption of amendments to 326 IAC 6.5-6-31. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke concerning Vertellus Emissions Limits Updates. The rule revises to particulate matter emission limits for Vertellus for compliance with U.S. EPA Ambient Air Quality Standards.

There were no questions or board discussion. There were no commenters.

**Mr. Green moved to preliminarily adopt the rule and Mr. Etzler seconded. By a roll-call vote, the rule was preliminarily adopted.**

#### 8. Hazardous Waste Financial Assurance

Chair Gard opened the discussion for preliminary adoption of amendments to 329 IAC 3.1-14 and 329 IAC 3.1-15, concerning Hazardous Waste Financial Assurance Revisions. Mr. Dan Watts, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being updated to include specific financial assurance requirements for hazardous waste facilities and to comport with the current rule drafting standards.

There were no questions or board discussion. There were no commenters.

**Ms. Collier moved to preliminarily adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was preliminarily adopted.**

#### 9. NO<sub>x</sub> Emissions Monitoring

Chair Gard opened the discussion for the preliminary adoption of amendments to 326 IAC 10-2, concerning NO<sub>2</sub> Emissions Monitoring. Ms. Keelyn Walsh, Rule Writer, RDS, OLC, spoke for the agency and said the rule was being revised to provide move flexibility in monitoring NO<sub>x</sub> emissions for certain sources.

There were no questions or board discussion. There were no commenters.

**Mr. Davidson moved to preliminary adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was preliminary adopted.**

#### 10. Metals Criteria

Chair Gard opened the discussion for the preliminary adoption of amendments to 326 IAC 2-1-6 and 327 IAC 2-1.5-8, concerning Metal Criteria. Ms. MaryAnn Stevens, Rule Writer, RDS, OLC, spoke for the agency and said the rule is being revised to reflect updates based on the most recent science and National Recommended Water Quality Criteria developed by U.S. EPA.

There were no questions or board discussion. There were no commenters.

**Mr. Etzler moved to preliminary adopt the rule and Mr. Rulon seconded. By a roll-call vote, the rule was preliminary adopted.**

#### **E. Non-Rule Actions**

##### Citizen's Petition Discussion

Chair Gard opened the discussion on the Citizen's Petition hearing held on October 28<sup>th</sup>, concerning adoption of the 2012 U.S. EPA Recreational Water Quality Criteria. Several IDEM staff and other members of the public provided comments regarding the adoption of the 2012 criteria. Documents from the communities were submitted and placed on the IDEM web site.

Several people discussed the petition at the end of the presentations. Board members and presenters were requested to submit their questions to IDEM for compilation and to obtain responses.

**Chair Gard moved to form a work group. By voice vote, it was agreed to move forward with the work group.**

#### **F. Other Matters**

##### 1. Open Forum

There were no topics for Open Forum

##### 2. Tentative Date and Location of Next Meeting

The next meeting is tentatively scheduled for 1:30 p.m. on February 10, 2021 through a Zoom meeting.

**F. Adjournment**

Chair Gard adjourned the meeting at 4:13 p.m.

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**CHAIRPERSON**

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management and will be made available on the IDEM rules website. To view approved summaries, you may go online to <http://www.in.gov/idem/legal/2355.htm>.